IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.592 OF 2006
IN
CRIMINAL APPEAL NO.540 OF 2006

Chandali Shakirali Siddiqui ...Applicant

Vs.

The State of Maharashtra ...Respondent

Shri P.B. Kakade for the Applicant.

Shri U.V.Nikam, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : SEPTEMBER 18, 2006.

P.C.:

1. This is an Application for bail. The Applicant has been convicted for offences punishable under section 498(B) read with section 34 and section 326 read with section 34 of the Indian Penal Code. The sentences for both the offences have been directed to run concurrently. The substantive sentence for both the offences is three years. The impugned order notes that from 12th May, 2005 till 19th August, 2005, the Applicant was in custody. After the impugned judgment and order, the Applicant did not surrender. By passing an order in Application for condonation of delay in preferring the aforesaid Appeal, this court directed the Applicant to surrender. Accordingly, the Applicant has surrendered on 24th August, 2006. Thus, out of

substantive sentence of three years the Applicant has already completed more than four months.

2. I have heard the Advocates appearing for the parties. The learned Advocates appearing for the Applicant submitted that Appeal may not be decided before the period of sentence is over. He submitted that during the pendency of the trial the Applicant was on bail.

3. The learned A.P.P. invited my attention to findings recorded by the Trial Court. He pointed out that after the impugned judgment and order was passed, the Applicant had absconded. He, therefore, submitted that prayer for bail may be rejected. He submitted that if this court is inclined to grant bail, stringent conditions may be imposed.

4. I have considered the submissions. As pointed out earlier, out of the substantive sentence of three years the Applicant has already completed four months. There is no allegation that during the pendency of the trial the Applicant had misused liberty granted to him. In all probability, the Appeal is not likely to be heard finally till the sentence period is over. There

is no extra-ordinary circumstance brought on record to deny the relief of bail to the Applicant. However, the Applicant will have to be put to terms.

5. Hence, I pass the following order:

(i) The Applicant shall be enlarged on the same bail on which he was enlarged during pendency of trial subject to furnishing fresh bail bonds.

(ii) Bail is granted subject to condition that till the disposal of the Appeal the Applicant will report to Dharavi Police Station on every first and third Saturday of every calendar month. Bail is granted subject to further condition that the Applicant shall not leave Mumbai or Greater Mumbai without giving prior intimation to the concerned Officer of the Dharavi Police Station and without informing the said Officer of his programme of travelling.

(iii) Application is disposed of accordingly.

JUDGE